

any plant pest subject to this chapter; to stop and inspect without a warrant any person or means of conveyance moving intrastate upon probable cause to believe that the person or conveyance is carrying any product or article subject to treatment or disposal under the provisions of this chapter or the regulations issued thereunder; and to enter, with a warrant, any premises in the United States, other than places which may be entered under section 167 of this title, to make any inspections and seizures necessary under this chapter. Any judge of the United States or of a court of record of any State, Territory or possession, or a United States magistrate judge, may, within his respective jurisdiction, upon proper oath or affirmation showing probable cause to believe that there are on certain premises any products, articles, means of conveyance, or plant pests regulated or subject to disposal under this chapter, issue warrants for the entry of such premises to make any inspections or seizures under this chapter. Such warrants may be executed by any authorized employee of the Department of Agriculture.

(Pub. L. 85-36, title I, §107, May 23, 1957, 71 Stat. 34; Pub. L. 90-578, title IV, §402(b)(2), Oct. 17, 1968, 82 Stat. 1118; Pub. L. 97-98, title XI, §1119(2), Dec. 22, 1981, 95 Stat. 1273; Pub. L. 101-650, title III, §321, Dec. 1, 1990, 104 Stat. 5117.)

REFERENCES IN TEXT

In the original, “this chapter” was “this Act”. See note set out under section 150aa of this title.

AMENDMENTS

1981—Pub. L. 97-98 inserted “to stop and inspect without a warrant any person or means of conveyance moving intrastate upon probable cause to believe that the person or conveyance is carrying any product or article subject to treatment or disposal under the provisions of this Act or the regulations issued thereunder;” after “subject to this chapter;”.

CHANGE OF NAME

“United States magistrate judge” substituted for “United States magistrate” in text pursuant to section 631 of Pub. L. 101-650, set out as a note under section 631 of Title 28, Judiciary and Judicial Procedure. Previously, “United States magistrate” substituted for “United States commissioner” pursuant to Pub. L. 90-578. See chapter 43 (§631 et seq.) of Title 28.

EFFECTIVE DATE OF 1981 AMENDMENT

Amendment by Pub. L. 97-98 effective Dec. 22, 1981, see section 1801 of Pub. L. 97-98, set out as an Effective Date note under section 4301 of this title.

§ 150gg. Violations

(a) Criminal penalties

Any person who—

(1) knowingly violates section 150bb of this title or any regulation promulgated under this chapter;

(2) knowingly forges or counterfeits any permit or other document provided for by this chapter or by any such regulation; or

(3) knowingly and without the authority of the Secretary, uses, alters, or defaces any such permit or document;

shall be guilty of a misdemeanor and shall be punished by a fine not exceeding \$5,000, by imprisonment not exceeding one year, or both.

(b) Civil penalty

Any person who—

(1) violates section 150bb of this title or any regulation promulgated under this chapter;

(2) forges or counterfeits any permit or other document provided for by this chapter or by any such regulation; or

(3) without the authority of the Secretary, uses, alters, or defaces any such permit or document;

may be assessed a civil penalty by the Secretary not exceeding \$1,000. The Secretary may issue an order assessing such civil penalty only after notice and an opportunity for an agency hearing on the record. Such order shall be treated as a final order reviewable under chapter 158 of title 28. The validity of such order may not be reviewed in an action to collect such civil penalty.

(Pub. L. 85-36, title I, §108, May 23, 1957, 71 Stat. 34; Pub. L. 97-461, §1(b), Jan. 12, 1983, 96 Stat. 2523.)

REFERENCES IN TEXT

In the original, “this chapter” was “this Act”. See note set out under section 150aa of this title.

AMENDMENTS

1983—Pub. L. 97-461 designated existing provisions as subsec. (a), divided existing provisions among pars. (1) through (3), substituted “\$5,000” for “\$500”, and added subsec. (b).

§ 150hh. Separability

If any provision of this chapter or the application thereof to any person or circumstances is held invalid, the remainder of the chapter and the application of such provision to other persons and circumstances shall not be affected thereby.

(Pub. L. 85-36, title I, §109, May 23, 1957, 71 Stat. 34.)

REFERENCES IN TEXT

In the original, “this chapter” was “this Act”. See note set out under section 150aa of this title.

§ 150ii. Authority as additional

The authority conferred by this chapter shall be in addition to authority conferred by other statutes not specifically repealed hereby.

(Pub. L. 85-36, title I, §111, May 23, 1957, 71 Stat. 34.)

REFERENCES IN TEXT

In the original, “this chapter” was “this Act”. See note set out under section 150aa of this title.

CODIFICATION

Section constitutes first sentence of section 111 of Pub. L. 85-36. Second sentence of section 111 is classified as section 150jj of this title. Third sentence of section 111 repealed sections 141 to 144, and 441 of this title. Remainder of section 111 is set out as a note under section 147a of this title.

§ 150jj. Plant Quarantine Act unaffected

Nothing in this chapter shall amend or repeal any of the provisions of the Plant Quarantine Act [7 U.S.C. 151 et seq.].

(Pub. L. 85-36, title I, §111, May 23, 1957, 71 Stat. 35.)